

## **CITY OF LAS VEGAS, NEW MEXICO**

### **Ordinance No. 21-15**

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by adding a new Article XII to Chapter 450, to be entitled “Short Term Residential Rentals”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by adding thereto a new Article XII to Chapter 450, to read as follows:

Section 141.	Short title
Section 142.	Purpose of zone
Section 143.	Applicability
Section 144.	Definitions
Section 145.	Short-term residential rental period required
Section 146.	Application for permit
Section 147.	Application renewal or update
Section 148.	Fees
Section 149.	Review of application and permit issuance
Section 150.	Tenant notification requirements
Section 151.	Exterior advertising or signage
Section 152.	Penalties

#### **§ 450-141. Short title.**

This ordinance shall be known and cited as the "Short-term Rental Ordinance" and referred to in this Article XII of Chapter 450 as the “Ordinance”.

#### **§ 450-142. Purpose.**

(1) Short-term Residential Rentals provide a benefit to the City, its residents and visitors, by expanding the number and type of lodging facilities available to City residents and visitors.

(2) Generally, Short-term Residential Rentals are not located in commercial zones, but are usually located in a residential zone. However, for purposes of this Ordinance, any and all Short-term Residential Rentals, whether located in a residential zone, commercial zone, or any other zone, shall be treated as commercial property subject to the City’s fire code requirements for properties zoned R2, R3 or R4.

(3) The provisions above are necessary to prevent the burdens on City services and impacts on residential neighborhoods resulting from Short-term Residential Rentals.

#### **§ 450-143. Applicability.**

This Ordinance creates an overlay zone, which shall apply to all non-commercial residential properties within the City regardless of where the property is located. The requirements of this Ordinance shall apply to dwelling units that are rented at anytime for a short duration that are not part of a commercial business enterprise, such as hotels, motels or commercial unit rentals located on a single lot or a group of contiguous lots within a commercial zoning district. The requirements in this Ordinance apply to dwelling units on non-contiguous property owned or operated by a hotel, motel or commercial unit rental owner.

#### **§ 450-144. Definitions.**

For purposes of Sections 450-141 through 450-152, the following words and phrases shall have the meaning as contained below:

Local Contact Person shall mean an owner, representative of the owner or local property manager who resides in the City or within proximity of the City limits such that he or she is available to respond within an hour or less to any tenants, renters, and/or is authorized to respond to any violation of this Ordinance.

Managing Agency or Managing Agent shall mean a person, entity or any other agent licensed with the New Mexico Real Estate Commission and representing the owner of the subject property, or a person or entity owning the subject property.

Operator shall mean a person who is a proprietor of a residential rental unit, whether in the capacity of owner, lessee, sub-lessee or mortgagee in possession of the subject property.

Owner shall mean any person or entity who has any interest of the whole or part of the subject property, or any person or entity in possession and control of the subject property.

Remuneration shall mean compensation, money, rent or any other consideration given in return for occupancy, possession or use of the subject property.

Rent shall mean the consideration charged, whether or not received, for the occupancy or use of a Short-term Residential Rental, valued in money, whether received as money, goods, labor or other form of payment, including all receipts, cash, credit, property, other items of value or services of any kind, without any deductions whatsoever.

Short-term Residential Rental shall mean one or more dwelling units, including without limitation a single-family detached or multi-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night or more than 29 consecutive days to the same person, persons or entity.

Sleeping Unit shall have the meaning in the International Building Code 2015, as amended, including without limitation a room or space in which a person or persons may sleep, which may also include permanent provisions for living, eating, sanitation facilities and/or kitchen facilities. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

Third-party Internet Listing Service shall mean an internet-based or online marketplace that connects Short-term Residential Rentals to potential customers by way of a website or application for a service fee. Third-party listing agent shall not mean Local Contact Person or Managing Agency.

**§ 450-145. Short-term Residential Rental permit required.**

No residential unit shall be rented without having a current valid Short-term Residential Rental permit issued by the City. Short-term Residential Rental permits may be issued by the City to the owner of the subject property for a period of one year, which said permits shall not be transferable or refundable. Nothing in this Ordinance shall be construed to constrain the ability of neighborhood covenants, deed restrictions or other constraints to be more restrictive than the requirements contained in this Ordinance.

**§ 450-146. Application for permit.**

The subject property owner or Managing Agency or Managing Agent shall apply to the City for a Short-term Residential Rental permit and shall provide to the City the following information:

1. The maximum number of occupants and vehicles that the dwelling unit can accommodate.

a. The parking calculation shall be based upon a minimum of one off-street parking space provided per sleeping unit.

b. The occupancy per sleeping unit shall be determined by the floor area of each sleeping unit, number of restrooms per dwelling unit, infrastructure suitable to service the occupants and shall be in accord with habitable and occupancy codes contained within the City codes.

2. The name, address, email address and telephone numbers, including a 24-hour emergency contact name and phone number, for all persons and entities having an interest in the property, including without limitation any and all Managing Agency or Managing Agents.

3. The name, address, email address and telephone numbers of a Local Contact Person.

4. An application fee in an amount to be determined by the City.

5. The following items shall be fully operational and located at the Short-term Residential Rental:

a. An ABC type fire extinguisher to be mounted in the kitchen, at points of ingress and egress, with at least one provided per floor and minimum of one per dwelling unit with at least two per dwelling unit if the property is 1,000 square feet or more, and located at a height not to exceed 60 inches from the top of the extinguisher to the floor. Extinguishers shall be serviced on an annual basis.

b. Smoke alarms installed as per the City's fire code.

c. Every sleeping room and living area with access to a primary means of escape shall provide a clear, unobstructed path of travel to the exterior of the building.

d. Outdoor cooking appliances shall be properly maintained and indoor fireplaces shall be properly maintained and inspected by the City's fire marshal or fire department.

e. By submitting the permit application to the City, the City is authorized to conduct code compliance inspections of the subject property at intervals deemed appropriate by

the City, or may be deemed necessary by the City, in the City's sole discretion, when a violation of this Ordinance may exist or has been alleged.

f. New Mexico gross receipts tax number certificate and City business license certificate.

g. Proof of certified mail sent, or proof of hand-delivered notice signed by the recipient, to all contiguous property owners and occupants, that the subject property is to be used as a Short-term Residential Rental.

h. All persons who have an interest in the subject property, including all Managing Agencies or Managing Agents, shall attest under seal of a public notary in the permit application that they have met all the requirements in this Ordinance for each property to be used as a Short-term Residential Rental.

#### **§ 450-147. Application renewal or update.**

At least sixty days prior to the expiration of the permit, or when there is a change to the information contained in the permit, a new permit application shall be submitted to the City. Advertising, offering or accepting renters for a Short-term Residential Rental in the absence of a current and unrevoked permit shall be a violation of this Ordinance.

#### **§ 450-148. Fees.**

Fees are set forth as follows, but may be changed by the City in the City's sole discretion. The initial application fee is sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.

1. Application Fee per year: \$50.00 for a one year permit
2. Inspection fee: in the amount set by the City Fire Department
3. There shall be a re-inspection fee for properties that do not pass inspection: in the amount set by the City Fire Department
4. City Business License: in the amount set by the City
5. Fee for registering an unregistered property after notice of non-compliance with this Ordinance: an amount of three times the Application Fee. Such amount shall be in addition to any other penalties provided by this Ordinance.

#### **§ 450-149. Review of application and permit issuance.**

1. The City shall review completed permit applications.
2. Once the application review is complete, the City shall notify the applicant whether or not the permit will be issued. If approval is granted, the City will issue a Short-term Residential Rental permit specifying the maximum number of vehicles and occupants permitted on the subject property. Failure of the owners to timely renew the permit shall incur a late permit renewal penalty fee of two times the Application Fee.
3. An application shall not be approved or renewed if:
  - a. All applicable fees and taxes have not been paid, including lodger's taxes pursuant to City code;

b. Outstanding or unresolved issues regarding property nuisance or building code violations;

c. Unpaid property taxes or City-provided utilities.

4. The City may deny or revoke any permit for failure of any subject property owner to fail to comply with any provision of Chapter 389 of the City's code.

5. In the event that two or more citations for the violation of any law occurs at the subject property within a 12 month period, the City may revoke or deny any permit.

#### **§ 450-150. Tenant notification requirements.**

Each Short-term Residential Rental shall have a clearly visible and legible notice posted within the subject property near the front door containing the following:

1. A copy of the current and unexpired Short-term Residential Rental permit.
2. The name of the Managing Agency, Managing Agent, Local Contact Person or owner(s) of the subject property, and a telephone number at which said person(s) can be reached on a 24-hour, seven days a week basis.
3. The maximum number of occupants authorized to stay in the subject property.
4. The maximum number of vehicles authorized to park in the subject property.
5. The number and location of on-site parking spaces and the parking rules.
6. The specific procedures regarding the bagging and disposal of trash.
7. A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of applicable law.
8. The address of the subject property as listed with 911 service.
9. Notice that City of Las Vegas ordinances and animal leash laws will be enforced.

#### **§ 450-151. Exterior advertising or signage.**

Exterior signage on Short-term Residential Rentals is prohibited.

#### **§ 450-152. Penalties.**

In addition to any other penalties or fines authorized herein or by City code, the owner(s) of a Short-term Residential Rental shall incur a penalty of \$500.00 for each day a Short-term Residential Rental is advertised, offered for rent, or rented in absence of a current and unrevoked City-issued permit as described in this Ordinance. The permit of any Short-term Residential Rental shall automatically be revoked upon the assessment of any penalty or the violation of any part of this Ordinance, and shall remain revoked until all violations of this Ordinance are fully remedied and any and all penalties assessed pursuant to this Ordinance are paid in full.

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this \_\_\_\_ day of August, 2021.

\_\_\_\_\_  
Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
Scott Aaron, City Attorney

**FOR OFFICIAL USE ONLY**

Receipt #: \_\_\_\_\_

ID#: \_\_\_\_\_ Issued: \_\_\_\_\_

Date: \_\_\_\_\_

**City of Las Vegas****1700 N. Grand Avenue****Las Vegas, NM 87701****Short-Term Rental Permit Application****(505) 454-1401 www.lasvegasnm.gov FAX: (505) 425-7335****Check One:** New Permit ☐ Renewal ☐ Change of Owner ☐ Date Closed ☐ \_\_\_\_\_

Location Address: \_\_\_\_\_

Owner's Address: \_\_\_\_\_  
Street City State ZIPOwners Contact: \_\_\_\_\_  
Phone # EmailAgent's Address: \_\_\_\_\_  
Street City State ZIPAgent's Contact: \_\_\_\_\_  
Phone # Email

Square Footage of Building: \_\_\_\_\_ Number of Floors: \_\_\_\_\_ Maximum Occupants: \_\_\_\_\_

Number of Sleeping Units: \_\_\_\_\_ Number of Off-Street Parking: \_\_\_\_\_ Number of Restrooms: \_\_\_\_\_

Number Fire Extinguishers: \_\_\_\_\_ Number of Smoke Alarms: \_\_\_\_\_

Insurance Carrier: \_\_\_\_\_

NM Tax ID#: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ or FEIN: \_\_\_\_\_

**(NM CRS Number Required before City Business Registration is Issued - SS No. will no longer be accepted)**

City Business License#: \_\_\_\_\_

**FEES:****Standard Registration:** ☐ **\$50/Yr, 3 Year Permit is Required: \$150**Late Penalty ☐ **\$100** A late fee will be applied after 1 AugustBiennial Inspection Fee ☐ \$40, every 2 YearsReinspection Fee ☐ \$40, each occurrenceTransfer Fee: ☐ \$10Change in Owner  
or Manager**Total** \$ \_\_\_\_\_Owner/Applicant: \_\_\_\_\_  
Print Name Signature DateContact Person: \_\_\_\_\_  
Print Name Signature DateState Fire Marshal Office - **REPORT REQUIRED**  
OR: City Fire Department (505) 425-6321  
**CITY PERSONNEL WILL MAKE DETERMINATION**Community Development Dept 505-426-3314  
1700 N Grand Las Vegas, NM 87701Zoning Approval (505) 454-1401, Ext. 1608  
City of Las Vegas Community Development  
1700 N. Grand Avenue, Las Vegas, NM 87701